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PREVENTION OF DISCRIMINATION AND PROTECTION OF INDIGENOUS PEOPLES AND MINORITIES

Report of the Working Group on Minorities on its seventh session

(Geneva, 14-18 May 2001)

Chairperson-Rapporteur: Mr. Asbjørn Eide

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Introduction

1. The establishment of the Working Group on Minorities was recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in its resolution 1994/4 of 19 August 1994, authorized by the Commission on Human Rights in its resolution 1995/24 of 3 March 1995, and endorsed by the Economic and Social Council in its resolution 1995/31 of 25 July 1995. By decision 1998/246 of 30 July 1998, the Economic and Social Council extended the mandate of the Working Group with a view to its holding one session of five working days annually.

2. In compliance with the above-mentioned resolutions, the Working Group at its seventh session held nine public meetings and one private meeting from 14 to 18 May 2001.

I. ORGANIZATION OF THE SESSION

A. Attendance

3. The session was attended by the following independent experts of the Sub-Commission: José Bengoa, Asbjørn Eide (Chairperson-Rapporteur), Vladimir Kartashkin, Soli Sorabjee and Y.K. Yeung Sik Yuen.

4. The following States Members of the United Nations were represented by observers: Albania, Armenia, Azerbaijan, Bahrain, Bhutan, Bosnia and Herzegovina, Brazil, China, Croatia, Czech Republic, Cyprus, Egypt, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Japan, Jordan, Latvia, Mauritania, Netherlands, Norway, Pakistan, Philippines, Poland, Romania, Russian Federation, Saudi Arabia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam and Yugoslavia.

5. The following non-member States were represented by observers: Holy See, Switzerland.

6. The following United Nations bodies and specialized agencies and intergovernmental organizations were represented at the session: International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), Office of the United Nations High Commissioner for Refugees (UNHCR), Sub-Commission on the Promotion and Protection of Human Rights, African Commission on Human and Peoples' Rights, Council of Europe, European Commission, Office of the High Commissioner for National Minorities of the Organization for Security and Co-operation in Europe and the Organization of the Islamic Conference, Inter-Parliamentary Union.

7. The following national institutions were represented at the session: The Hungarian Parliamentary Commissioner for National and Ethnic Minorities and the adviser to the Parliamentary Commissioner.

8. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers: All For Reparations and Emancipation, Baha'i International Community, December Twelfth Movement International Secretariat, Federal Union of European Nationalities, Indian Movement "Tupaj Amaru", International Centre for Ethnic Studies, International Federation of Human Rights Leagues, International Human Rights Law Group, International Movement against All Forms of Discrimination and Racism, International Service for Human Rights, Minority Rights Group International and World Muslim Congress.

9. The following other non-governmental organizations were represented by observers: Alianza de Afrodescendientes de las Americas y el Caribe, Alliance of Papuan Students (AMP), AFROAMERICA XXI, Asociación Proyecto Caribe, Basque League for the Rights and Liberation of Peoples, Bhutan Women and Children's Organization, Centro de Articulaçãs de Populações Marginalizadas (CEAP), Centro de Desarrollo de la Mujer Negra Peruana (CEDEMUNEP), Consejo Gitano, Cultura de Solidaridad Afroindígena, Dalit Liberation Education Trust, Danish Centre for Human Rights, Council of Social Organizations in favour of the Basque Language, Espacio Afroamericano, Fala Preta Organização de Mulheres Negras, Foundation for Support and Research of Indigenous People in Crimea, Geledés-Instituto da Mulher Negra, Greek Helsinki Monitor, HEARDS - India, Indigenous Information Network, Inter-Ethnic Initiative for Human Rights Foundation, Karen National Union, Kurdish Reconstruction Organization, Liga Pro Europa, Mécs László Association, Minority Rights Movement of San Andrés, Providence and Catalina Islands (Colombia), Movement for the Survival of the Ogoni People (MOSOP), Mundo Afro National Coalition for Haitian Rights (NCHR), National Commission for Reparations, National Movement for the Human Rights of the Afro-Colombian Peoples (CIMARRON), National Sorry Day Committee, Nepal Indigenous Peoples Development and Information Service Centre (NIPDISC), Niger Women's Coalition Against War (CFNCC), Organización de Desarrollo Étnico Comunitario (ODECO), Organisation guinéenne de défense des droits de l'homme (OGDH), Organización Mundo Afro, Papua Council, Proceso de Comunidades Negras, Red Regional de Mujeres Afro Caribenas y Afro Latino Americanas, Rom-Star Organisation, Roma Association of Izmail and Region, Rroma Centre of Public Policies "Aven Amentza", SATRA/ASTRA - Rroma Students and Youth Against Racism Alliance, Sikh Human Rights Group, Slovak Helsinki Committee, South Asia Forum for Human Rights, South India Cell for Human Rights Education and Monitoring (SICHREM), Sudanese Women's Voice for Peace, Teesri Duniya Adhyan Kendra, The Koteka Peoples' Association for Rights, Peace and Justice, Third World Study Centre, Unissons-nous pour la promotion des Batwa (UNIPROBA), Word Centre for Human Rights, Working Group of Indigenous Minorities in Southern Africa (WIMSA).

10. The following scholars participated in the meetings of the Working Group: Anette Andresen (Norwegian Institute of Human Rights), Girmachew Alemu Aneme (Norwegian Institute of Human Rights), Kimberly Catherine Courtade (Illinois State University), Gyula Csurgai (School for International Training), Bram Elias (Queen's University, Belfast), Geoff Gilbert (University of Essex), Marie-Hélène Giroux (University of Montreal), Solomon Mebrie Gofie (Norwegian Institute of Human Rights), Peter Görög (Graduate Institute of International Studies, Geneva), François Grin (European Centre for Minority Issues), Tom Hadden (Queen's University, Belfast), Lauri Hannikainen (University of Lapland), Hurst Hannum (Tufts University), Amina Joyce Lwasye (Norwegian Institute of Human Rights),

Maria Lundberg (Norwegian Institute of Human Rights), Ciarán Ó Maoláin (Queen's University, Belfast), Mudzakir Mudzakir (Norwegian Institute of Human Rights), Pal Nesse (Norwegian Institute of Human Rights), Manon Olsthoorn (expert), Christoph Pan (Südtiroler Volksgruppen - Institut (SVI), Tim Potier (Intercollege Nicosia), Aanja Riiser (Norwegian Institute of Human Rights), Palmira Rios Gonzales (Universidad de Puerto Rico), Ingride Roy (University of Ottawa), Ranabir Samaddar (South East Asia Forum for Human Rights), Geraldine Scullion (Queen's University, Belfast), Thomas Simon (Illinois State University), Zelim Skurbaty (Danish Centre for Human Rights), Samia Slimane (expert), Lisa Stearns (Norwegian Institute of Human Rights), Gebremlak G. Tekle (Norwegian Institute of Human Rights), Jeevan Thiagarajar (International Centre for Ethnic Studies, Colombo), Pal Vigmostad (Norwegian Institute of Human Rights), Niamh Walsh (Irish Centre of Human Rights), Matthias Wilding (Norwegian Institute of Human Rights), Azhari Yahya (Norwegian Institute of Human Rights), Chuanyi Zhang (Norwegian Institute of Human Rights) and Yong Zhou (Norwegian Institute of Human Rights).

B. Documentation

11. The documents before the Working Group are listed in the annex. All the working papers submitted are available from the secretariat or are to be found at http://www.unhchr.ch.

C. Organization of work

12. At its first meeting, on 14 May 2001, the Working Group, in accordance with its mandate, adopted the following agenda:

1. Adoption of the agenda.

2. Organization of work.

3. (a) Reviewing the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

   (b) Examining possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

   (c) Recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

4. The future role of the Working Group.

5. Other matters.

13. Stefanie Grant, Chief of the Research and Right to Development Branch Office of the High Commissioner for Human Rights (OHCHR), made an opening statement, in which she provided an update of activities undertaken in light of the decisions adopted by the Working Group at its session in 2000.

14. The Chairperson-Rapporteur also reviewed the work undertaken since the last session and made mention of the seminar held in January 2001 in Kidal, Mali, on multiculturalism in Africa. He spoke of the increasing recognition of the multicultural composition of nearly all States in the world and of the need to approach the issues relating to multiculturalism from the perspective of the need to protect the rich diversity of cultures in the world, rather than regarding them as a source of tension. The Chairperson-Rapporteur provided participants with suggestions for the organization of discussions, during the session, given the fullness of the agenda.

II. REVIEWING THE PROMOTION AND PRACTICAL REALIZATION OF THE DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

15. Under this agenda item, the Chairperson-Rapporteur, Mr. Eide, presented his paper containing the final Commentary to the Declaration (E/CN.4/Sub.2/AC.5/2001/2). Other matters covered included the questions of a future publication on procedures for the better protection of the rights of minorities and of future Web pages and a database on minority issues. Additionally, information, particularly from non-governmental organizations and minority representatives, was provided on the application of the provisions of the Declaration, at the national level.

A. Commentary to the Declaration

16. Mr. Eide informed participants that his final commentary to the Declaration was based on earlier drafts, comments made in writing and orally at previous sessions of the Working Group and observations made at last year's meetings.

17. Mr. Kartashkin raised the possibility of adding additional elements to the Commentary. These could take the form of comments, guidelines or principles, which could be formulated as part of the outcome of thematic discussions. This suggestion was warmly welcomed by the Chairperson-Rapporteur.

18. Mr. Sorabjee agreed with the approach taken in the Commentary, which stressed that positive action and measures are required by States to protect and promote minority rights. He also drew attention to the point brought out in the Commentary that the violation of minority rights could occur at the hands of non-State actors and that the obligation lay with States to prevent such violations. He appealed to the Working Group to make clear the meaning of the exception clause provided for under article 4.2 of the Declaration, which reads "except where specific practices are in violation of national law and contrary to international standards". He indicated that if national law contained provisions that were repressive of human rights, and in particular minority rights, the rights guaranteed by article 4.2 would be illusory. A proper interpretation of the provision required that national legislative measures conform to international human rights standards. Mr. Sorabjee also stated that rights needed remedies and

suggested that efforts should be taken to develop an effective complaint mechanism that would give meaningful redress to the victims of violations of the rights guaranteed by the Declaration.

19. The importance of ensuring an effective remedy for the promotion and protection of the rights of minorities, particularly the Roma, was an issue also addressed by Mr. Sik Yuen. He stated that an effective remedy should not simply mean having recourse to international procedures and systems, once local and domestic remedies were exhausted. Often for a remedy to be provided, it was absolutely necessary for the perpetrator to be identified, but in instances of violations suffered by the Roma and other minorities it was often difficult to identify the perpetrators of the act. With a view to addressing this lacuna, the speaker argued that there were juridical and other grounds for establishing a "strict no-fault liability" so that victims of human rights violations could be entitled to indemnity without the wrongdoer being identified; in the event that the perpetrators were eventually found, the State could then pursue them for refund or repayment. The proposal was to have been included in a study on the Roma proposed by the Sub-Commission. To facilitate future study and work on the Roma, he appealed to participants to provide jurisprudence, i.e. highest-level court decisions and information on national legislation with respect to the protection of the rights of the Roma.

B. Future publication on minorities

20. Mr. Hannum gave a brief overview of a project, of which he was coordinator, to develop a practical guide for use by members of minorities and organizations in promoting their rights in the United Nations and regional human rights systems. The publication would consist of loose-leaf pamphlets and cover the protection and promotion of minority rights as developed by the Working Group and as contained in the six major United Nations human rights treaties; the Charter-based mechanisms; mechanisms of the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, and the United Nations High Commissioner for Refugees; and regional human rights mechanisms, namely the European, African and Inter-American human rights systems. Mr. Hannum expressed his gratitude to those who had contributed to the various sections of the manual.

C. Future Web pages and database on minorities

21. Following the request of the Working Group at its sixth session that progress should be made with respect to the database on minorities, OHCHR had asked two consultants from the firm "I-Connect" to formulate proposals for developing a strategy on electronic information publishing for minority rights. Paula Uimonen, one of the consultants, gave a presentation, which was followed by a discussion. She presented the proposed structure of the Web site and laid out the future strategy to promote it, including links with the Web sites of related organizations, registration with search engines, and mentioning of the site in OHCRH publications and communications. Her strategy also included plans to set up a database on minority issues. She stressed that the Web site should have an interactive element. In this regard, she suggested that an on-line forum for data input be set up, together with a mailing list which would open up the possibility of updating the contents of the site. The site could also provide a search function for possible partner sites and search facilities targeting the United Nations as a whole. Finally, she acknowledged that while the site should ideally be available in all United Nations languages, that would require considerable resources.

22. A number of non-governmental organizations expressed concern regarding the security of information contained in a future database. There were fears that information on specific minority issues could be used by Governments to target minorities in their countries. Ms. Uimonen explained that only public information would be available on the Web site but acknowledged that access to any future database would have to be carefully considered.

23. Another concern raised was the lack of access to the Internet by minorities, especially those living in developing countries. Ms. Uimonen replied that while most non-governmental organizations had access to the Internet, information should also be disseminated by traditional means, e.g. in printed form. In relation to the issue of the availability of the Web site in different languages, Mr. Eide suggested that minority organizations might wish to become involved in the translation of the OHCHR Web site into different languages and provide for such access on their own sites.

24. It was suggested that a compilation of relevant national laws should be added to the OHCHR Web site. The observer for the Greek Helsinki Monitor indicated that such a compilation existed with regard to Central Eastern Europe on the Web site of the Centre for Documentation and Information on Minorities in Europe (CEDIME). Mr. Grin of the European Centre for Minority Issues and the observer for the Greek Helsinki Monitor expressed their interest in contributing to the proposals of the Working Group on ensuring the availability of electronic information on minority issues. They indicated that information was already available on the Web sites of organizations such as their own, which had formed an electronic network called the Consortium of Minority Resources (COMIR).

25. Finally, with regard to questions raised as to the absence of hyperlinks to certain of the Web sites listed on the proposed OHCHR minorities' Web pages, Ms. Uimonen explained that it was the policy of the United Nations to provide hyperlinks only to other intergovernmental sites.

D. Developments at the national level

1. Constitutional and legal provisions as well as other general measures protecting the existence and identity of minorities (art. 1 of the Declaration)

26. The observer for the Greek Helsinki Monitor noted that a number of States had not recognized the existence of minorities on the basis of the concept of indivisibility of the State (France and Turkey), while other States only recognized certain minorities (Albania, Bulgaria, Greece, Slovenia, the former Yugoslav Republic of Macedonia). The observer for Albania explained that Albania did not recognize the existence of a Greek minority in the Himara region as that particular region was not a minority zone and few Greeks lived there. The observer for Greece contended that her Government did not deny the application of the principle of self-identification to persons belonging to the Muslim minority; every member of that minority was free to declare his/her ethnic origin (be it Turkish, Pomak or Roma), to speak and learn his/her language and practise his/her own religion, customs and traditions. Attempts to identify the entire Muslim minority of Thrace as "Turkish" were contrary to the Treaty of Lausanne. She also stated that there were no sufficient grounds for regarding the small number of people that spoke a Slavic tongue in the north of Greece ("Macedonians") as a national minority.

27. The observer for the International Movement Against All Forms of Discrimination and Racism (IMADR) questioned the practice of registering Sinti and Roma in special police files in Bavaria, Germany, which was said to put many members of the German Sinti and Roma minority in a position where it was better to deny their affiliation with the group.

28. The observer for the Working Group on Indigenous Minorities in Southern Africa (WIMSA) stated that the plans of the Government of Namibian to resettle 20,000 refugees in M'kata, Tsumkwe District, where 4,000 San people lived, was threatening the latter's existence. A similar case was presented by the observer for the Bhutan Women and Children Association regarding the resettlement of groups from the north of the country on territory left previously occupied by the Lhotshampa people, who were currently refugees in Nepal.

29. The lack of legal recognition of minorities was also mentioned by the observers for the Asociación Proyecto Caribe (Costa Rica), the Alliance of Papuan Students (Indonesia), the Nepal Indigenous Peoples Development and Information Service Centre (on behalf of the Kirati Peoples of Nepal) and All for Reparations and Emancipation (African Americans in the United States). The absence of State measures to protect and promote the existence and identity of minorities was further mentioned by the observers for the Movement for the Survival of the Ogoni People (MOSOP) (Nigeria), the Indigenous Information Network and All for Reparations and Emancipation (descendants of Africans in the Americas in general and the United States in particular).

2. The right of persons belonging to minorities to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination (art. 2.1)

30. The observer for the Bhutan Women and Children Association alleged persistent discrimination against and persecution of Christians in Bhutan. The observer for Bhutan denied the allegation and stressed that freedom of religion was enshrined in the laws of Bhutan and that everyone was allowed to practise and profess the religion of their choice. In order to prevent tensions, however, proselytization was not permitted.

31. The observer for the Nepal Indigenous Peoples Development and Information Service Centre stated that the Kirati peoples were denied the expression of their cultural identity and that Hindu culture, language and religious practices were being imposed on them.

32. The observer for the Sudanese Women's Voice for Peace discussed the detrimental effects of the war on the people in the Nuba Mountains, Blue Nile and southern regions of the Sudan.

33. Observers for the Kurdish Reconstruction Organisation stated that the Government of Iraq was responsible for the "Arabization", mass expulsion and genocide of the Kurds in Iraqi Kurdistan. The observer for Iraq replied that Iraqi Kurdistan enjoyed a large degree of autonomy compared to the situation in other countries. Special measures were in place for Turkomans, Assyrians and Kurds. He stated that all violence in the region was a result of in-fighting among

the Kurdish militia and stressed the need to recognize that minorities also had responsibilities towards the State. He also stated that the United States had prohibited a dialogue between the Kurds and the Government.

3. Effective participation of persons belonging to minorities in cultural, religious, social, economic and public life (art. 2.2); and the right of persons belonging to minorities to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation (art. 2.3)

34. The observer for the Mécs László Association expressed concern that the territorial reorganization carried out in 1996 in Slovakia resulted in the marginalization of the Hungarian community in the public administration. The observer for Slovakia stressed that the administrative-territorial division reform was one of the highest priorities of the Government. He underlined that economic and social development and decentralization were key issues in the reform. He also stated that the representatives of the Hungarian minority were directly involved in all decisions that concerned them.

35. The observer for the Islamic Republic of Iran spoke about the efforts undertaken in his country to ensure the participation of minorities in national decision-making through legal and constitutional guarantees, particularly in the National Assembly.

36. The observer for the Foundation for Research and Support of Indigenous Peoples of Crimea stated that the Crimean Tartar people were severely underrepresented in the Ukranian Parliament as well as the Crimean Parliament and that they had been excluded from the land restitution process.

37. The observer for the Russian Federation made mention of forums for dialogue, such as the Council on Interaction with Religious Minorities, that had been set up in Russia with a view to ensuring the participation of minorities. He also informed the Working Group that Russia had become party to the European Framework Convention on National Minorities.

38. The observer for MOSOP stated that the Ogoni people were excluded from decisions that concerned them, were underrepresented in State institutions, particularly the senate, and that any measure of control over their land and resources had been denied.

39. The observer for Unissons-nous pour la promotion des Batwa (UNIPROBA), speaking on behalf of the Batwa people of Burundi, explained that their participation in the social, economic and political spheres was minimal, and alleged that the Arusha Accords had not taken account of them, thus denying them the right to enter the army. He underlined that the accommodation of larger minorities could result in the violation of the rights of smaller minorities. The importance of this point was also raised by the observer for the Russian Federation.

40. The exclusion of "Afro-descendants" in the Americas from economic, social and political life was the focus of statements made by the observers for the Alianza de Afrodescendientes de

las Americas y el Caribe (particularly on the situation in Uruguay), the Organización de Desarrollo Étnico Comunitario (ODECO), the Organización Negra Centroamericana, the Espacio Afroamericano and Proceso de Comunidades Negras (regarding the conflict situation in Colombia), and the Minority Rights Movements of San Andrés, Providence and Catalina Islands (Colombia). Several of these NGOs stressed the relevance of a certain degree of control over community land to the Afro-descendants.

41. Observers for the Consejo Gitano, SATRA/ASTRA - Rroma Students and Youth Against Racism Alliance and the Inter-Ethnic Initiative for Human Rights Foundation all stressed the lack of participation of the Roma people in all fields. The observer for Finland referred to the suggestion of her country's President, Ms. Tarja Halonen, to create a pan-European Forum for Roma, which could act as a kind of consultative assembly where the Roma could make their views known to political decision-makers on both the regional and national levels.

4. The right of persons belonging to minorities to establish and maintain their own associations (art. 2.4)

42. The observers for the Papua Council and the Alliance of Papuan Students (AMP) stated that the Government of Indonesia had refused to approve the Papua Presidium Council as a legitimate forum for the "West-Papuans" as a people and "West Papua" as a territory. Peaceful efforts towards self-identification, freedom of association and self-government had been answered by military and police repression.

5. The right of persons belonging to minorities to exercise rights, including those set forth in the Declaration, individually as well as in community with others, without any discrimination (art. 3.1)

43. The representative of the Inter-Ethnic Initiative for Human Rights Foundation stated that the denial of social and economic rights of the Roma in Bulgaria was a violation of the non-discrimination principle. The representative of the Lega Pro Europa stated that the expulsion policies carried out against the Roma population of Tirgu-Mures in Romania were a violation of article 3.1 of the Declaration. The observer for Romania stated that he would take the matter up with the authorities and that he hoped a legal investigation would shed light on the events.

44. The observers for Espacio Afroamericano and Proceso de Comunidades Negras stated that one third of the internally displaced in Colombia were Afro-descendants. Together with other minority groups such as the indigenous peoples, they had also been the targets of massacres.

45. The observer for the Organisation guinéenne de défense des droits de l'homme (OGDH) discussed the issue of discrimination on the basis of caste in his country. Marriage between different castes was not allowed, and a person belonging to a particular caste had to practise a particular profession.

6. Measures by States to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without discrimination and in full equality before the law (art. 4.1) and to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs (art. 4.2)

46. The observer for MOSOP argued that the State should be responsible for protecting minorities from violations by private companies.

47. The observer for the South India Cell for Human Rights Education and Monitoring (SICHREM) expressed concern that the Dalits in India were discriminated against as a minority religion. The observer for India stated that the question of the Dalits in India was not strictly a minority problem and agreed that the issue was complex. He recognized that the State had a huge role to play in addressing such issues and described several of the special measures in place. In particular, the Constitution of India contained specific provisions for affirmative action for those who historically had suffered discrimination.

48. The lack of affirmative action was mentioned by the observer for the Asociación Proyecto Caribe (Costa Rica), the Papua Council and AMP (Indonesia), and the Indigenous Information Network (with regard to the lack of appropriate provision of health services for the pastoral minorities of Kenya).

49. The observer for the Word Centre for Human Rights, speaking on behalf of the Coptic minority in Egypt, stated that a number of Egyptian laws contained discriminatory provisions. Most pertinent were the establishment of Islam as the State religion in article 2 of the Constitution, the application of sharia to other religious groups and the limitations on the building and repair of churches. The observer for Egypt stated that the Copts were not a religious minority in Egypt and were viewed as an integral part of the State. No discriminatory laws or practices towards religions existed in Egypt.

7. Measures by States to provide persons belonging to minorities with adequate opportunities to learn their mother tongue and have instruction in their mother tongue (art. 4.3) and to be taught their history and culture (art. 4.4)

50. The observers for several NGOs dealing with Roma issues (Consejo Gitano, Roma Association of Izmail and Region, SATRA/ASTRA) mentioned the lack of implementation of article 4.4 in countries such as Spain, Romania, and Ukraine. They emphasized in particular the need to use the education system to create public awareness about and promote tolerance towards the Roma people. They also pointed to the importance of article 4.4 in combination with article 4.3 in the process of identity assertion and self-esteem-building for the Roma people themselves. This point was also stressed by the observers for the Asociación Proyecto Caribe in relation to the situation of Afro-descendants in Costa Rica.

51. The observer for the Alianza de Afrodescendientes de las Américas y el Caribe noted improvements in the multicultural education policies of the Government of Uruguay. However,

with regard to the general situation of Afro-descendants in Latin America, a number of NGOs dealing with this issue deplored the lack of bilingual and intercultural education.

52. The observer for the Mécs László Association welcomed several positive developments in the area of education in Slovakia, although the question of training and education of Hungarian teachers needed further attention. The observer for Slovakia noted other positive developments such as the conclusion of the Slovak-Hungarian Cultural Treaty which dealt with minority culture in both countries.

53. The observer for the Bhutan Women and Children Association said that the requirement to present a "No Objection Certificate" from the police in order to enter the education system was in violation of article 4.4 as Lhotsampa had great difficulty obtaining this certificate. She also stated that the Nepali language was banned in Bhutan. The observer for Bhutan stated that, on the contrary, Nepali was one of the two official languages used in the Bhutanese parliament and commonly used in the media.

54. The observer for the Karen National Union discussed the suppression of the Karen language in Myanmar and said that no education in the Karen language was available.

8. Appropriate measures by States for the full participation of minorities in the economic progress and development of their country (art. 4.5)

55. The observer for the Consejo Gitano expressed discontent regarding the regulation by the Government of Spain of traditional street vendors (*venta ambulante*).

56. The denial of equal employment opportunities to minorities was mentioned by the observers for the Bhutan Women and Children Association and the Alianza de Afrodescendientes de las Americas y el Caribe.

57. The observer for MOSOP stated that the State failed to guarantee them a role in decisions that concerned environmental matters in their areas, thereby depriving them of the right to participate in economic development.

9. National policies and programmes as well as programmes of cooperation and assistance among States planned and implemented with due regard for the legitimate interests of persons belonging to minorities (art. 5)

58. Many NGO observers deplored the lack of implementation of government programmes. While the Framework Programme for Equal Integration of Roma in Bulgarian Society was viewed as a positive development, its lack of implementation was regretted (Inter-Ethnic Initiative for Human Rights Foundation). Similarly, the Council of Representatives of Crimean Tartar People was decreed and adopted into law, but not implemented (Foundation for Research and Support of Indigenous Peoples of Crimea).

59. Both SATRA/ASTRA and the Liga Pro Europa welcomed the Strategy for Improving the Conditions of the Roma in Romania, but deplored the absence of an institutional framework to implement the programme. The observer for Romania suggested that the guiding principles of

the Strategy might serve as a "best practice" for other similar initiatives and also indicated that institutions were in place to implement the programme at State and local levels

60. The observer for the Asociación Proyecto Caribe deplored the lack of government policies to ensure equity for and social integration of the black population of Costa Rica. The observer for the Bhutan Women and Children Association stated that government policies did not reflect the interests of minorities.

61. The observer for the Islamic Republic of Iran mentioned the different cultural programmes launched by the Government aimed at promoting understanding among minorities and between minorities and the Government. He also made reference to the establishment of a national committee for the promotion of the rights of religious minorities.

62. The observer for Latvia gave a brief overview of the programme "Integration of society in Latvia" which had three principal objectives: to increase political integration and civic participation, to provide for social and regional integration and to strengthen the Latvian language whilst continuing to implement minority education programmes.

63. The observer for Finland discussed the situation of the Saami in his country. He mentioned the degree of cultural autonomy accorded to them within the Saami Homeland, and acknowledged that the issue of land rights in northern Lapland remained unresolved. A rapporteur had been appointed to submit a report on the issue, and the Ministry of Justice had created a committee to examine further the established right to use traditional land.

64. The observer for China discussed his Government's strategy regarding the minorities of the mid-western region of China. Several different measures were mentioned. First, the law on regional autonomy had been amended with a view to speeding up the process of self-management. Second, there would be increased investment in infrastructure, industry and transport. Third, cultural development would be promoted and last, efforts to improve the ecological environment would be stepped up.

III. EXAMINING POSSIBLE SOLUTIONS TO PROBLEMS INVOLVING MINORITIES, INCLUDING THE PROMOTION OF MUTUAL UNDERSTANDING BETWEEN AND AMONG MINORITIES AND GOVERNMENTS

65. At its third meeting, the Working Group began its consideration of item 3 (b) of the agenda. The Chairperson-Rapporteur explained that the programme for that part of the agenda was structured in such a way as to allow for a general discussion on integrative and separatist approaches to minority issues to start with, and a focused debate on regional experiences afterwards. There were a number of working papers available to the Working Group, and Mr. Eide proposed that those dealing with the broad analytical framework be presented first, after which there could be a general discussion. Following this general debate, there would be an opportunity to hold separate discussions on the European, African, American and Asian-Pacific experiences.

1. General discussion on autonomy and integration

66. The first working paper (E/CN.4/AC.5/2001/WP.6 and the annex contained in E/CN.4/AC.5/2001/CRP.9) was presented by Tom Hadden and Ciarán Ó Maoláin. Mr. Hadden identified three approaches to dealing with minority claims. These he described as the autonomy, the integrative and the assimilationist approaches. The last was not one promoted by the United Nations. He noted that minorities were generally concentrated regionally, and in such cases were often in the majority; dispersed, such as the Roma people; or found in urban concentrations. He described a series of steps which in his view could be useful in accommodating minority interests. The first step, which was indispensable, was to recognize minorities. This involved participation in government, fair representation in public bodies and a fair share of economic development, including through autonomous arrangements. In this regard, the mere prohibition of discrimination was not sufficient; special and positive measures might be needed to protect the rights of minorities. The "Lund Recommendations" and the Flensberg principles on participation in public life were examples of measures which might be taken to accommodate the interests of different groups. Mr. Hadden drew attention to the need to consider a number of other aspects including the need to ensure fair representation of minorities within the law enforcement system and in the workplace. He spoke about the need for residential integration and the dangers of separating groups in different exclusive locations. As far as education and language were concerned, he noted the importance of preserving culture and linguistic diversity but insisted on the need to educate people in such a way as to be integrative and inclusive. His colleague, Mr. Ó Maoláin, introduced the annex to the working paper and explained that its contents were the product of an initial exercise to gather examples of legislation and other measures which recognized minorities and provided for the accommodation of different group rights. He and Mr. Hadden welcomed further information on legislative measures and their implementation in practice, so as to be able to provide additional examples of good practice.

67. Mr. Eide, in his capacity as a member of the Working Group, presented his paper on cultural autonomy and territorial democracy (E/CN.4/Sub.2/AC.5/2001/WP.4). He said that he would argue against "ethnocracy" and in favour of democracy. Ethnically based Governments could be exclusive, and there was a need to find ways of safeguarding minorities. He identified different types of autonomy and distinguished between cultural and territorial autonomy. He noted that cultural autonomy had an ethnic content and endeavoured to protect a culturally defined rather than a territorially defined group. This was effectively a right to self-rule or self-management. He recalled the obligation of States to prevent discrimination and said that sometimes there might be tension arising from the desire to accommodate minority concerns and the need to apply international principles such as equality before the law. He expressed the view that territorial decentralization, if implemented in an inclusive fashion, could provide solutions. He cited examples of different autonomy arrangements in his paper including that in Estonia. Finally, Mr. Eide spoke about the differences between minorities and indigenous peoples. He acknowledged the special importance to the latter of collective rights and control over lands as a means of preserving their identity. However, he warned against ethnic autonomy, which in practice could discriminate against other and smaller groups.

68. Mr. Gilbert presented his paper (E/CN.4/Sub.2/AC.5/2001/CRP.5) on whether a right to autonomy existed under international law. He noted that the right to autonomy was not

recognized in international law but that some national situations provided elements for a greater understanding of the concept and its application. He made reference to the right of self-determination of peoples and the decolonization context in which it had developed, as well as to the concept of "internal" self-determination or autonomy. He explained that his own paper had tried to identify three different elements in relation to autonomy, which he described as participatory, cultural and financial autonomy.

69. Mr. Potier presented his paper (E/CN.4/AC.5/2001/CRP.1). He said that while the right of self-determination of peoples was associated with decolonization there might now be a need to review the debate. He made a number of references to the new States that had emerged in the former Soviet Union and Eastern Europe. He also noted the increasingly indigenous content to the right of self-determination and the recognition now being given to indigenous peoples' rights over land. He underlined the need to ensure that autonomy was inclusive.

70. The Chairman welcomed the commentaries made by the academic experts and particularly their efforts to develop typologies and frameworks for the better understanding of the concept of autonomy and integration to ensure the inclusion of all groups in such arrangements.

71. Mr. Bengoa added his own observation in respect of autonomy in the Latin American region. He had attended a meeting in Mexico in December 2000 on precisely this topic. The question was now at the forefront of the political debate in the region. He noted that the discussion of autonomy was primarily being raised by indigenous peoples. Furthermore, it was far from being an academic debate since indigenous movements, in particular that of the Zapatistas, were attracting support from wider sectors of the population. In essence, these pacific movements were inspiring reflections on new ways of situating indigenous peoples within the State. Mr. Bengoa talked about the self-management of the Kuna people of Panama who had enjoyed a degree of autonomy since the 1920s, as well as more recent examples such as the recognition by the Government of Colombia of indigenous resguardas, or reserves. He also mentioned the autonomy accorded to the Atlantic Coastal region of Nicaragua and the involvement of communities there in economic and social development plans. He raised a question which he believed to be important for developing countries: How much was the demand for autonomy by communities arising out of neglect by the central authorities? In certain regions, indigenous communities were seeking autonomy in order to combat marginalization by the State and promote development. In conclusion, the expert said that he believed there might be differences between the demand for autonomy in developing and developed States. In the case of Latin America, for example, Mr. Bengoa suggested that the former Spanish municipality system did provide for a degree of local autonomy. Much emphasis was now being given to reforming such municipalities to adapt them to the needs of the community.

72. Mr. Kartashkin encouraged participants not to make unrealistic proposals in relation to autonomy rights. He underlined the political nature and complexity of the issue and drew examples from his region. He suggested that the Working Group might consider preparing a study of legitimate ways and means for minorities to promote their rights.

73. The observers for a number of NGOs made general comments about autonomy. Some stressed the need for action since minority rights were being violated in their regions. The observers for The Koteka Peoples' Association for Rights, Peace and Justice and MAP said that before the question of autonomy or self-government was discussed, a dialogue between Governments and minorities needed to be begin. The observer for the National Movement for the Human Rights of the Afro-Colombian Peoples - CIMARRON noted that the State was often viewed by communities as not interested in their situation. Thus, calls for autonomy by communities were motivated by a desire to have a more active political role and greater access to social and economic development. In such cases, autonomy could be seen as a form of partnership. The observer for the National Sorry Day Committee stated that the notion of autonomy was viewed differently by members of minorities and the majority. She spoke about the procedures that were necessary when discussions of autonomy took place. For example, research about autonomy arrangements should also be undertaken by the minority groups themselves. She considered that there were four important elements to be taken into account for the positive protection of minorities. They were: recognition, restoration, rights and reconciliation.

74. The observer for Switzerland noted that in his country autonomy was not considered as separatist but rather as integrative and designed to maintain the unity of the State. He argued that States should not view autonomy as leading to secession but as a means of recognizing diversity. At the level of the cantons, there was a degree of participatory, cultural, territorial and functional as well as financial autonomy since they had a tax-collection capacity.

75. Mr. Hannum expressed support for the debate on the question of autonomy within the Working Group. However, he said that autonomy should be seen as a means to an end and not an end in itself. It might be wrong to assume that all groups had a right to power. It would also be important to look at what minorities were seeking to achieve by advocating autonomy solutions. He noted the need to establish a balance between measures to protect ethnic identity and citizens' rights. It would not be helpful if autonomy arrangements led to new walls of separation.

76. The observer for Pakistan said that he appreciated the rich discussions in the Working Group from a personal perspective but noted the difficulty for Governments to give comprehensive responses to some of the detailed and lengthy papers made available. He said that the principle of self-determination should not be equated with secession. He also posed the question as to whether the process of decolonization had indeed finished. The principle had to be seen as part of an ongoing political process.

77. Mr. Rezag-Bara, Vice-President of the African Commission on Human and Peoples' Rights, welcomed the discussion on separatist and integrative approaches to minority issues. He said that it would be difficult to find a common solution for all the different kinds of situations in Africa. As far as he was concerned there was great danger in an ethnic approach. In his region, there were many hundreds of different ethnic groups and on several occasions violence had arisen because of ethnic rivalries. He urged the Working Group to focus on a multi-ethnic approach in which notions of shared rather than exclusive identities were stressed. He also recognized that there was a need to strengthen democratic institutions in order to ensure protection of minorities.

78. The Chairperson-Rapporteur expressed satisfaction with the general debate on autonomy. He welcomed the academic papers and recognized the usefulness of the analytical frameworks they provided. He underlined the principle behind the discussions, namely looking at ways of accommodating minority or group concerns while at the same time ensuring equality for all without discrimination. He felt that the notions of territorial and cultural autonomy were helpful and emphasized the importance of democracy and effective participation rather than ethnicity. Nonetheless, he recognized that there was a need to address the special concerns of indigenous peoples, for example in their special relationship to their lands. He summarized the various points made in connection with self-determination, noting that the principle was regulated in international law. He admitted that the term "internal" self-determination or autonomy was much more nebulous but it did reflect the right of a people to be self-governing through a democratic process. The Chairperson-Rapporteur also noted during the discussions that there were varying degrees of autonomy, including its territorial, cultural, financial and participatory aspects. Autonomy, he said, should not lead to the exclusion of other smaller minorities. He believed that autonomy should be seen as a means of facilitating integration and noted that assimilationist actions by States sometimes led to calls for secession by affected groups.

2. Regional focus of the discussion on autonomy and integration

(a) Africa

79. Ms. Slimane, an independent expert, introduced the working paper (E/CN.4/Sub.2/AC.5/2001/WP.2) that she had presented to the workshop on multiculturalism in Africa organized by the Working Group on Minorities and the Working Group on Indigenous Populations in Kidal, Mali, in January 2001. She praised the initiative behind the workshop and welcomed the opportunity the activity had provided for Africans to express their ideas on the concepts of indigenous peoples and minorities. She said that Africa was a treasure house of cultures and languages. However, instead of cultural diversity being seen as a source of riches it was occasionally the source of conflict. She noted that the African Charter of Human and Peoples' Rights recognized the principle of non-discrimination and that it also contained references to peoples. However, there was no definition of the term "peoples" and in general the Charter tended to equate peoples with States. Notwithstanding, the way in which the African Commission had dealt with some of the individual complaints suggested that there was a certain flexibility and recognition of ethnic identity and group rights within the Commission. She also referred to the Commission's recently established working group on indigenous people. The expert made reference to some of the constitutional and legislative provisions relating to minority and indigenous peoples' concerns; in particular, the Constitution of Cameroon provided for specific measures to protect indigenous peoples. In conclusion, she recommended that the Working Group continue its cooperation with the Working Group on Indigenous Populations and further deepen its understanding of the concepts of indigenous peoples and minorities in the Africa region. She also encouraged the Working Group to hold further such workshops and maintain the fruitful dialogue with NGOs. It would be desirable, she said, to involve African Governments in these processes. Finally, she invited OHCHR to strengthen its links with the African Commission.

80. Mr. Rezag-Bara welcomed the Working Group's interest in Africa. He admitted that the question of minorities was difficult and sensitive in his region. He said that the African

Commission believed that the two United Nations working groups could provide support and guidance. As far as the legal situation of minorities was concerned, he noted that the African Charter did not deal with minorities and had been adopted to liberate the continent from colonization. It conferred rights on individuals and families. Note should be taken, he said, of the Constitutive Act of African Union which would replace the Charter. In the meantime, the Commission had received complaints from minorities. He confirmed that the Commission had established a working group on indigenous people, at its twenty-sixth session, and a work plan had now been approved. Mr. Rezag-Bara stated that Africa could not be remodelled on ethnic lines and reaffirmed his belief that a multiethnic approach was the most suitable in the region. He drew attention to certain difficult issues including the conflicts that sometimes occurred between settled farmers and pastoralist or nomadic groups. He also noted that natural resources such as oil were often at the centre of situations involving human rights violations, in particular when certain groups felt they were getting no benefits but bearing the costs of extraction.

81. An NGO observer, on behalf of the Indigenous Information Network, UNIPROBA, MOSOP and WIMSA, made a joint statement underlining the importance of indigenous and minority questions in Africa. She referred to the particular problems faced by nomadic peoples. In conclusion, she recommended that a special rapporteur on minorities be established and called for the United Nations to provide technical assistance directly to indigenous peoples and minorities.

82. Mr. Sik Yuen expressed appreciation for the paper presented by Ms. Slimane and welcomed the participation of the Vice-President of the African Commission on Human and Peoples' Rights. He explained how Mauritius had accommodated minority or community interests and said that candidates for political posts were chosen in accordance with their ethnic identity.

(b) Europe

83. John Packer, Director of the Office of the High Commissioner for National Minorities of the Organization for Security and Co-operation in Europe introduced the "Lund Recommendations on the Participation of minorities in public life" which he said offered a range of solutions to problems affecting minorities in the field of participation, as experience had shown that the absence of respect for the rights of persons belonging to minorities was a source of instability and violence.

84. From the experience of the High Commissioner for National Minorities it had been understood that respect for the right of persons belonging to minorities to participate in public life was fundamental to the maintenance of their identity and dignity. The Lund Recommendations had been elaborated on this basis. A similar process of drawing upon experience and expertise had led to the elaboration of the Oslo Recommendations, which dealt with the regulation and administration of the use of the languages of minorities, and the Hague Recommendations proposing action on education matters deemed important to persons belonging to minorities. These various "Recommendations" contained policy guidelines which were in conformity with the provisions of relevant international and regional standards. Thus, they were founded on human rights, the rule of law, and democratic and good governance.

85. The "Lund Recommendations" contained: basic principles; recommendations for granting persons belonging to minorities a say in matters affecting them and control over such matters; and guarantees for the entrenchment of such entitlements through judicial or other means. Mr. Packer warned that the "Lund Recommendations" were not a panacea to solve all problems; rather, they should be viewed as a valuable reference source for Governments in considering alternatives to address some of the issues affecting minorities, based on the identification of shared values. Mr. Packer provided information on a further set of recommendations that had been elaborated, called the "Warsaw Guidelines", dealing with the question of enhancing minority representation through electoral processes, including in legislative bodies.

86. Antii Korkeakivi, observer for the Council of Europe and member of the secretariat of the Framework Convention on National Minorities, welcomed the increased cooperation between the Council and the United Nations and ongoing work in regard to the rights of minorities. He spoke of the need for a three-way dialogue between the Council of Europe, the United Nations and minorities in order to advance the issue. He referred to the study by the Max Planck Institute on "The Participation of Minorities in Decision Making" (E/CN.4/Sub.2/AC.5/2001/CRP.6) as a guide in this regard. The study examined the parliamentary representation of minorities and the exercise of parliamentary control; representation of minority interests in governmental agencies; informal channels of participation; different forms of autonomy; and approaches in federal systems.

87. Mr. Gilbert presented his paper on the jurisprudence of the European Court and Commission of Human Rights in 2000 and minority groups (E/CN.4/Sub.2/AC.5/2001/CRP.4). Mr. Gilbert noted that the interpretation of human rights was expanding, and as an example referred to article 14 of the European Convention on Human Rights which could be applied to indirect discrimination, where a particular group was disproportionately affected by general legislation. Mr. Gilbert provided detailed cases relating, inter alia, to: religion and minority groups; effective participation in cultural, social, economic, and public life; and way of life, which was increasingly being seen in the light of articles 9 and 14 of the European Convention on the obligation on States to permit pluralism. He argued that articles 10 and 11 were equally essential to pluralism in a democratic society and to preserve the culture of minority groups. Mr. Gilbert concluded by explaining that while the jurisprudence suggested that the European Convention could protect minority rights, it was not designed to do so, and it would be for the European Court, in any particular case involving a minority group asserting "minority rights", to state whether such claim was manifestly ill-founded. Furthermore, where a complaint was upheld, the onus would be on the State to provide remedies beyond damages, such as a change in the offending piece of legislation.

88. Mr. Kartashkin provided an overview of autonomy approaches in the Russian Federation. This was a summary of his study on the use of autonomy approaches in the Russian Federation (E/CN.4/Sub.2/AC.5/2001/WP.3). The Russian experience had shown that arbitrary divisions of territory without regard for ethnic groups had led to serious problems within the former USSR. He also reiterated that the enacting by States of legislation that conflicted with the Federation's Constitution had led to the disintegration of the former Soviet Union. Mr. Kartashkin emphasized that there was a danger in giving broad powers to national minorities as that could lead to excessive demands and secessionist movements. The constitutions of the Republics were

increasingly being brought into line with the Federal Constitution. New laws had been enacted allowing for the rehabilitation of repressed peoples, including restoration of their territorial, political, spiritual and cultural heritage(s). Russia was examining models of multiethnic nations and had come to the conclusion that the territorial model of autonomy was not acceptable to a national republic. The Russian Federation was increasingly drawn to the national cultural autonomy model as the best way forward, and, a gradual effort to implement it across the board was being made.

89. The observer for Finland informed the Working Group that his Government had requested the preparation of a paper on two examples of autonomy in Finland, which had been prepared by the independent expert, Lauri Hannikainen. In the view of the observer the Finnish autonomy models offered examples of peaceful and sustainable solutions to issues involving minorities and indigenous peoples. As such they were a contribution to the development of the "Culture of Prevention" of conflict being promoted by the United Nations. He also informed the Working Group that several seminars on the Aland Islands autonomy model had been held, including in Geneva and New York, out of which came a publication due for issue in June 2001.

90. Mr. Hannikainen then presented his working paper on "Examples of Autonomy in Finland, the Territorial Autonomy of the Aland Islands and the Cultural Autonomy of the Indigenous Saami People" (E/CN.4/Sub.2/AC.5/2001/WP.5). He noted that Finland had two special autonomous arrangements and that autonomy had worked well with these geographically distinct populations, assisted by a secure national democracy and stable democracies in surrounding States. He explained that the autonomy rights for the Aland Islands had existed and been strengthened for eight decades. The language rights of the Swedish-speaking Aland Islanders was particularly strong, while in the north of Finland - Lapland, which is the homeland of the Saami people - the Saami language enjoyed semi-official status. It was explained that the Saami were one indigenous people who lived in four different countries (Norway, Sweden, Finland and Russia). Although the issue of land rights remained unsettled, the Saami enjoyed strong cultural autonomy. The Saami had their own Parliament with specific, but restricted powers. Mr. Hannikainen expressed the view, that it would be desirable for the Saami Parliament to have increased legislative powers and that the land rights issue be resolved; until it was finalized, the Saami would remain a vulnerable group.

91. The Hungarian Parliamentary Ombudsperson for Minority Rights, Jenó Kaltenbach, discussed the functions of the Office of the Ombudsperson, describing it as "soft law" that did not provide for punishment but a strong independent body with broad investigative powers. The Office had a focus on protecting minorities and in six years had heard 2,500 cases of which two-thirds concerned the Roma minority. These cases drew attention to some of the problems faced by the Roma community with respect to unfavourable societal attitudes and the prejudgement of victims. He saw his role in the long term as contributing to a change in the mind-set of society, especially as regards its prejudice towards minorities, and to representing the most disadvantaged groups in society.

92. Christoph Pan of the Südtiroler Volksgruppen-Institut (SVI) made a presentation on positive experiences with autonomy in Europe. They included: Finland and the Aland Islands; Italy and Val d'Aosta and South Tyrol; Denmark and the Faroe Islands and Greenland; Spain and Catalonia and Galicia; Hungary and its introduction of cultural autonomy in its minority

laws of 1993; and in South-Eastern Europe, where the Republic of Moldova was able to settle peacefully the conflict with Gagauzians through territorial autonomy in 1994. In light of these experiences his presentation also drew attention to autonomy as a form of internal self-determination and autonomous self-administration as a means for the redistribution of power. He concluded by suggesting that a systematic exchange of information and experience on autonomy was needed in order to strengthen stability and peace in view of the growing awareness of the usefulness of autonomy as a method of conflict prevention and resolution.

93. Tom Hadden of the Queen's University of Belfast presented his paper on the Northern Ireland peace process (E/CN.4/Sub.2/AC.5/2001/CRP.3). He said that in the case of Northern Ireland it was difficult to separate ideas of territorial and cultural autonomy. As a general point, he believed it was often difficult to create autonomy at the local level as well as ensure meaningful participation in the national arena. He gave a brief background to the history of the region and said that he would focus on the Good Friday Agreement. Both the Governments of Ireland and the United Kingdom had agreed to grant self-determination to the peoples of Northern Ireland. Powers had been devolved to Northern Ireland as an autonomous region. Under the arrangement, the two communities were ensured a fair share in Parliament, at the ministerial level, and in public posts. While the agreement principally took account of the need for special provisions for the two largest communities, he was himself involved in the drafting of a bill of rights for the region that would guarantee human rights for all, including the smaller minority groups. He also referred to some of the cross-border bodies that had been established under the Good Friday Agreement, such as those dealing with European Union affairs and agriculture. While the system of arrangements and structures set up under the Good Friday Agreement was rather complicated, it was, in his view, a sound example of promoting cooperation between States for accommodating different communities' issues. He noted that such measures were called for under the provisions of the Declaration, particularly its articles 6 and 7.

94. The observer for the United Kingdom of Great Britain and Northern Ireland said that he found Mr. Hadden's paper balanced. He noted that the term "minority" might not be helpful in the Northern Ireland case. He said that the strength of the Belfast Agreement was that it accommodated different relations, those within Northern Ireland itself, those between Northern Ireland and Ireland, and those between Northern Ireland and the United Kingdom. He further said that the heart of the Good Friday Agreement was to ensure fair treatment for all, through a rather complicated process and framework, the implementation of which required compromise by all sides.

95. The observer for Ireland said that the idea behind the Agreement was to build reconciliation between the two communities while keeping open opportunities for constitutional change. The problem was that the Catholic and the Protestant communities had differing constitutional preferences. The Good Friday Agreement was a good basis, particularly for cooperation between regions and Governments, although there was still some way to go in dealing with crucial issues.

96. The observer for the Roma Centre of Public Policies "Aven Amentza" in a joint statement with SATRA/ASTRA, spoke about the educational and linguistic discrimination experienced by Roma in Romania. She indicated that the Romanian education systems accorded

insufficient attention to the use of the Roma language, nor was Roma history or perspectives included in the school curricula. Schools were largely mono-cultural institutions where Roma children were stigmatized and were frequently the brunt of racism and bullying. She suggested inclusive curricula for Roma, taking account of their language, history and culture, as well as ensuring safer learning environments.

97. The observer for Azerbaijan pointed out that autonomy could not be in conflict with international law and that self-determination should not be interpreted by minorities as a right to secession. By way of example, he spoke about the autonomous region granted to the Armenian minority population who had since sought independence. He said that autonomy should reflect the everyday needs of the people and not the political aspirations of some. Externally inspired secessionist movements had led to instability, unrest and distress, causing the displacement of populations and refugee situations.

98. The observer for Armenia stated that, given the large number of Armenian minorities all over the world, minority rights as collective rights were very important to his Government. Armenian communities had generally integrated well into the political, economic, social and cultural life of their host countries. However, the lack of appropriate mechanisms for the protection of Armenians living in Azerbaijan had continued after independence. He stressed the need to strengthen international and regional mechanisms to prevent such violations of minority rights and to promote mutual understanding between minorities and Governments. In 1994 a national mechanism for dialogue had been established in Armenia and 12 national minorities had founded the Union of Nationalities as an institution to represent their interests in all issues concerning minorities. He mentioned that the country's mechanisms of protection and implementation of minority rights were cited in Armenia's initial reports considered last year by the Committee on the Elimination of Racial Discrimination and the Human Rights Committee.

99. The observer for Consejo Gitano claimed that certain parties were afraid to discuss self-determination and autonomy. He also referred to the treatment of Roma/Gypsies in Switzerland and other European countries. It was the aspiration of the Roma to live in peace and dignity and not in a centralized and homogenous society. In his view, therefore, centralized autonomy did not work and decentralization was the answer.

100. The observer for Switzerland sought to clarify the position of the Roma in his country. All Swiss Roma enjoyed full citizenship rights. Some 20,000-30-000 people identified themselves as Roma in Switzerland, of whom only 4,000-5,000 pursued a semi-nomadic lifestyle. The Roma had been officially recognized as a Swiss minority. He acknowledged that in the 1950s and 1960s, Roma had been persecuted and their children arbitrarily removed. However, in 1980 the Swiss Government had issued an official apology for the removal of Roma children and provided more than 11 million dollars in damages to affected people. Roma still faced difficulties, however, concerning camp sites, education and cantonal job permits.

101. The observer for the Mécs László Association said that the Hungarian minority was the largest group in Slovakia, representing 11 per cent of the population. He suggested that regional autonomy might be an option where an ethnic minority was concentrated within a particular territory. He referred to the need for the right to autonomy of the Hungarian minority in Slovakia to be realized.

102. The observer for the Council of Social Organizations in Favour of the Basque Language spoke about the Basque people who lived in five regions, two of which are located in Spain and three in France. He described the success of the two autonomous regions in Spain and the problems of the Basque regions in France as regards the recognition of the Basque language. He said that the Basque people were seeking official recognition of their language in all five traditional regions as a recognition of their language and cultural rights.

103. The observer for the Sikh Human Rights Group spoke about the problems faced by minorities in Europe regarding the enjoyment of their religious and cultural rights through some degree of autonomous status. Difficulties had arisen from religion appearing to be treated as an issue in the personal domain within the discourse on human rights, which was based on individual rights and secular conceptions. By way of example, he indicated that Anglican and Catholic institutions in the United Kingdom had some degree of autonomy, while the Hindu, Muslim and Sikh institutions were regulated by Charity Commissioners who lacked competence in religious affairs. He invited the Working Group to consider discussing in the future such matters as the erosion of religious rights in Europe as a consequence of the secularization of rights.

104. The observer for the Greek Helsinki Monitor stressed that the effective participation of minorities required that sound supervisory measures be set up to follow the effective implementation of this right under domestic law and in conformity with international legal obligations.

105. Gyula Csurgai of the School for International Training presented information on a future research project concerning "autonomy as a form of self-management", and invited input from the Working Group participants.

(c) Americas

106. The observer for the Asociación Proyecto Caribe expressed the view that autonomy was needed in order for those of Afro-descent to reclaim their identity and control their own affairs while showing respect and tolerance for others. Effective monitoring of social justice and equity required the collection and analysis of statistics on Afro-Costa Ricans and that this was vital for effective planning and development. He believed that advances could only be made with mutual understanding, increased visibility of Afro-Costa Ricans and increased dialogue within the broader society. He offered recommendations for promoting mutual understanding among peoples as well as specific action to be taken to fund programmes of educational diversity and mutual understanding. He added that international cooperation for development must reach the Afro-descendant communities to assist in supporting their identity and culture.

107. An observer for All for Reparations and Emancipation expressed concern that the African American people had not been officially recognized by the United Nations. The African American people had endured 400 years of plantation slavery, forced breeding, loss of mother tongue, loss of origins, and were suffering still from the lingering effects of these acts. He claimed that the African American people were experiencing an ethno-genesis and were seeking autonomy as a means of reconstructing and re-conceiving their identity. The observer for the

National Commission for Reparations argued for the right of Afro-Americans to effective participation in all levels of decision-making and that reparations were necessary to enable her people to be effectively restored as a people.

108. The observer for the Minority Rights Movement of San Andrés, Providence and Santa Catalina Islands (Colombia) welcomed the advances in conceptualizing minority rights. He spoke about the situation of the Afro-descendants on the Island of San Andrés and explained why decentralization was an important strategy for protecting minority rights and achieving autonomy. In particular, he mentioned that education, which was officially supplied through the Roman Catholic Church in Spanish, was, in effect, assimilationist as the home language of Afro-descendants was a form of Creole and the school curriculum did not provide for teaching the history and culture of Afro-descendants. He expressed the view that self-help and prosperity should characterize autonomy programmes.

109. Ingride Roy from the University of Ottawa, Canada, discussed minority language rights. She provided the Working Group with examples of autonomy from the Canadian experience. She urged the Working Group to set clear parameters on autonomy, self-government and self-determination from the start, to enable minority groups to fully understand the limits within which they were negotiating. If this were not done, the result might be that groups would have to go to court to establish the scope of their autonomy rights. She said that while Canada had provided access to the right to education in minority language(s) it had failed to ensure that minority groups were visible in the school curricula.

110. Thomas Simon from Illinois State University, United States of America, described the importance for effective autonomy of multi-level reform in the areas of constitutional law, other legislation and judicial review. He also discussed how case studies of failures and successes were important learning tools in negotiating autonomy. He expressed the view that it was important to define minorities. He proposed that the use of the term "vulnerable groups" might provide a better way forward and would be less problematic than "minority groups". Vulnerable groups identified on the basis of social development indicators could provide a more effective measure of their situation and for action to prevent their suffering further harm.

111. The observer for CIMARRON described how his people became victims of paramilitary groups in his country. This had resulted in the mass forced displacement of people and as such was the greatest problem faced by Afro-Colombians since slavery was abolished 150 years ago. He also raised concerns that mining and environmental legislation sought to limit the autonomy of the Afro-community and asserted that reforms were needed to ensure that his people participated effectively in decision-making processes at all levels. Of primary concern was the resolution of the armed conflict and a negotiated peace involving all ethnic groups.

112. The observer for ODECO identified socio-economic and political exclusion as a major concern facing Afro-descendant communities in Central America. Children orphaned as a result of HIV/AIDS was another serious difficulty, as this was contributing to the progressive loss of cultural values and mother tongue education. He expressed the opinion that further disempowerment was a result of assimilationist government policies and a lack of technical and financial resources, as well as erosion of community land ownership. The representative noted that at a summit meeting sponsored by the United Nations Development Programme the issue of

the development of Afro-descendants in Central America had been raised and the effective involvement and integration of Afro-descendants issues in both national and international development plans had been called for.

113. The observer of Mundo Afro noted that Afro-Americans had the poorest social indicators for employment, educational outcomes, health and well-being and the highest for violence against women. Educational issues included lack of visibility of Afro-descendants' culture and history in the school curricula and the problem of racist educational environments. He emphasized that good educational programmes should be recognized and encouraged. The representative expressed the need to ensure follow-up to the recommendations adopted at last year's Working Group in regard to displaced Afro-Americans in the Latin American region.

114. The observer of AFROAMERICA XXI called for greater recognition of Afro-descendants in all areas of society, including in the allocation of positions at universities. Afro-Americans sought inclusion in policy, planning and development processes. She stated that the lack of respect for Afro-Americans was evident as their input was absent from education, health and housing policies. Additionally, laws designed to give Afro-Americans access to land were not implemented. She requested the Working Group to carefully follow the measures taken by States with respect to ensuring the socio-economic development of Afro-American communities, especially as regards their ability to participate in and benefit from development programmes. Further comments on the situation of Afro-descendants and the implementation of their rights were presented by another observer for the same organization who said that his people did not want handouts nor decisions taken for them, but effective means by which to address their own issues. He suggested that bilateral and multilateral funding agreements could assist in such capacity-building for Afro-descendants' effective participation. He noted with concern that Afro-Latin Americans were under-represented in donor funding bodies and other bodies such as the World Bank, and the United Nations and urged these organizations to address racism in their own ranks and ensure that Afro-Latin Americans were equitably represented. He felt that aid distributed to Latin American countries such as Brazil was often directed to the wealthier White areas of the country, and not to the most needy areas where most of the people of Afro descent lived. He also called attention to a recent publication by his organization entitled "Quest for Inclusion: Realizing Afro-Latin Potential".

115. The observer for the Centro de Desarollo de la Mujer Negra Peruana (CEDEMUNEP) informed the Working Group that Afro-descendants knew the answers to their problems but required support to implement the solutions from both the State, the United Nations and multilateral organizations. She felt that indigenous peoples had achieved some degree of recognition but Afro-descendants were still largely invisible in the human rights dialogue. She noted that in response to the World Conference against Racism, the Government of Peru had established an organization to address Afro and indigenous affairs. She urged the inclusion of Afro-Peruvians in her country's affairs and recognition of the right of her people to solve their own problems.

116. The observer for the National Coalition for Haitian Rights (NCHR) stressed that terms such as autonomy were not ends but processes or steps in dealing with issues relating to minorities. He drew particular attention to the plight of the children of Haitians born in the Dominican Republic but officially "stateless". In response, the Chairperson of the Working

Group pointed out that this matter was dealt with under the Convention on the Rights of the Child and as Haiti and the Dominican Republic were parties to the Convention they were required to take measures and action to address such issues.

(d) Asia-Pacific

117. Ranabir Samaddar, Director of the Peace Studies Programme, South East Asia Forum for Human Rights, introduced his paper on "Autonomy, Self-Determination and the Requirements for Minimal Justice in South Asia" (E/CN.4/Sub.2/AC.5/2001/CRP.2). In the paper he examined how minority protection is being managed in South Asia and offered suggestions for a change in the future approach. Minority rights in South Asia, he argued, were viewed primarily as cultural rights requiring protection rather than political and economic rights. States might grant limited cultural autonomy to minority groups, but withheld measures and avenues for sharing power. This was a consequence of the perception that minority rights belonged in the domain of ethnicity rather than being an issue of democracy. In view of this situation the subregion was now faced with the spectre of demands for homelands and other forms of partition as the solution to the minority question, with ethnic cleansing, and even acts of genocide, taking place in certain areas.

118. Constitutional arrangements and practices that were impediments to dialogue, reconciliation, the restoration of mutual trust and the invention of newer forms of coexistence and autonomy had failed to tackle the emergency situation. In his view, constitutions had been unable to recognize the inherent justice and dignity in the victims' demands. Therefore, he advocated supplementing the current discourse on minority protection founded on the guarantee of certain rights by a set of principles belonging to the sphere of justice. These principles had been drawn up following a broad study on the successes and failures of autonomy arrangements in South Asia and the fate of peace accords in the subregion. The study had looked at situations affecting particular groups in Bangladesh, Nepal, India, Pakistan and Sri Lanka. The paper and the larger study discussed six principles regarding autonomy and the limitations of constitutions. The six principles were: the principle of compensation for past injustices; the principle of supervision over the introduction of autonomy; the principle of custodianship; the principle of guarantees; the principle of innovation of federalism; and the principle of the feminization of relations. The last was described as the democratic recognition of dissent and a readiness to accept newer forms of coexistence.

119. Jeevan Thiagarajah of the International Centre for Ethnic Studies, Colombia, gave a brief introduction to the paper submitted by his organization, entitled the "Sri Lanka National Review" (E/CN.4/Sub.2/AC.5/2001/CRP.7). He explained that contributions for the preparation of the paper had been invited from several sources on such matters as non-discrimination; effective participation of minority groups in the governance of their own affairs; religious and cultural rights; access to language rights and education. He acknowledged that the contributions received did not cover the situation of all minority groups in Sri Lanka. The paper did, however, highlight some of the tensions that existed within the protection of the human rights of minorities under existing constitutional provisions. It also covered issues relating to the combating of terror while respecting human rights, the significance of identity in a conflict setting, as well as some of the difficulties of ethnic segregation resulting from the ongoing hostilities. He made mention of the policies and practices of the Government in attempting to address some of these issues,

including the constitutional reform process, which the Working Group learned about last year, and of the process of discussions for peace to which the Government is a party. With respect to the core issues in bringing about peace, he drew attention to the contents of page 11 of the paper in particular, and to the way in which the questions of nationhood and self-determination were addressed. He reiterated that the paper had used the provisions of the Declaration as its framework for judging national practice in Sri Lanka. He explained that part of the national debate on solutions to the conflict was dedicated to striving for the application of international standards and practices for the protection of minority rights in a conflict setting.

120. The observer for Sri Lanka acknowledged that there were inherent problems in looking at the protection of minority groups and that the United Nations Declaration provided a framework to work within. He recommended that the process of looking for solutions in partnership with Government should continue. He emphasized that Sri Lanka, being a multi-ethnic society, attached great importance to minority rights. He viewed the paper as flawed on the grounds that it did not properly represent all the communities in Sri Lanka and therefore was not a truly broad national report. He emphasized that the solutions pursued by the Government in regard to minority rights included a constitutional reform package. With reference to the need to find effective solutions, it would have been useful if the paper had provided suggestions on the constitutional reform package. He believed that homeland movements could interfere with respect for the territorial integrity of the State. He referred to the argument that while a minority had a right to seek autonomy within the existing framework of the State, radicalism and violence were becoming common with regard to some minority issues. He paid homage to some of the participants at previous sessions of the Working Group who had tragically paid with their lives for trying to find a genuine and workable solution to the ethnic issue in Sri Lanka. He argued that non-violence, dialogue and reciprocal arrangements provided the best way forward. In concluding, he asked that his Government's response also be made available as a conference room paper to accompany the paper submitted by the International Centre for Ethnic Studies.

121. With respect to Mr. Samaddar's paper and its contents, the observer for India stated that he was firmly of the view that the rights of minorities were best guaranteed within a democratic and constitutional framework, which allowed for the firm establishment of equality before the law and non-discrimination. He stated that the federal structure in place in India provided the flexibility for pluralism to flourish. By way of example, he noted that last year in India three new states were created as a consequence of the aspirations of particular groups to have more autonomy in their everyday life.

122. The observer for the South India Cell for Human Rights Education and Monitoring (SICHREM) spoke about the situation of the Tamil-speaking minority in South India. He expressed the view that certain Tamil-speaking people were still being held, some since 1993, under the Terrorist and Disruptive Activities Act (TADA), which in his view had been allowed to lapse in 1995. The Working Group was asked to urge the Government of India to become a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; to respect international standards for fair trial and release illegal detainees; and to investigate the allegations of human rights violations made before the Justice Sadashiva Commission.

123. The observer for the Third World Studies Centre spoke about the possibility of abuses against ethnic and religious minorities in one country having repercussions in neighbouring countries. He mentioned in particular hate campaigns and violence by extremist religious organizations against religious minorities, which responded by migrating. Religious minorities were allegedly victims of human rights violations in Pakistan, Afghanistan, India and Sri Lanka and ethnic minorities in Bangladesh and Bhutan. He asked that the Working Group visit the South Asian region and that a regional meeting be organized to examine possible solutions to the problems faced by religious and ethnic minorities.

124. In response, the observer for Pakistan expressed the view that the positive and constructive atmosphere that had characterized relations between the participants at the Working Group was under attack by government sponsored NGOs which were raising issues that were not only extraneous to the debate but were based on conjecture and reflected political bias. This would lead to undesirable politicization of the Working Group and diminish its credibility. He objected to some of the statements made with respect to his country, which were said to be "casting aspersions" against his country and were designed to promote divisions where they did not exist.

125. The observer of the Nepal Indigenous Peoples Development and Information Centre (NIPDISC) discussed the historic and ongoing marginalization of the Kirati people in Nepal, where they were denied the rights articulated in the Declaration. They had no language rights, as Nepalese was the official language of the State and official documents and education were not available in indigenous languages. He explained that demands for autonomy or self-determination by indigenous peoples or minorities were often viewed by the State as calls for separatism. He asked that the Government of Nepal effectively implement the Declaration on Minorities and ILO Convention No. 169.

126. The observer for MAP discussed the right of association and the responsibility of States to promote minority rights. He called on the Government of Indonesia to resolve peacefully and democratically the problems in "West Papua", possibly using the integration approach as discussed in the Working Group. He indicated that the Indonesian Parliament had rejected the autonomy package proposed by the "West Papuans". He acknowledged that there were two factions in "West Papua", one which sought autonomy and the other which was seeking separation from Indonesia. He described the devastation and despair affecting the people of "West Papua" and appealed for Indonesia to open a dialogue with them. He said he feared for his people and for his own safety upon his return home. He called a truth and reconciliation commission to assist in dealing with the situation in "West Papua". In response, the Chairperson-Rapporteur drew attention to the special procedure set up by the Commission on Human Rights for addressing the concerns of human rights defenders who feared for their safety and who should not face repercussions from cooperating with United Nations bodies such as the Working Group on Minorities.

127. The observer for the Kurdish Reconstruction Organization expressed the view that the aspirations of the Kurdish people should not be seen as essentially separatist in nature. What the Kurds sought was proper adherence to the Washington Agreement and ultimately a unified and democratic Iraq, leading to the full enjoyment of their human rights.

128. At the end of the debate, the Chairperson-Rapporteur said that the discussions over the past few days had revealed the variety and complexity of the situations facing minorities in different parts of the world; minority issues were not simply a European concern. The Working Group had heard different experiences and concerns and requests for support, and respected the views expressed that communities knew what they need to do and simply required support to implement those ideas. As we became more global in our understanding of various peoples and groups, it would appear that we needed to be more creative in finding recommendations and solutions to protect and promote the rights of groups and communities.

IV. RECOMMENDING FURTHER MEASURES, AS APPROPRIATE, FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF PERSONS BELONGING TO NATIONAL AND ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

129. Under this agenda item, recommendations for further measures to protect and promote the rights of minorities were made and information provided on the work of United Nations bodies and specialized agencies.

130. The observer for the International Labour Organization (ILO) pointed out that the bases for the Organization's work regarding minorities were the ILO Declaration on Fundamental Principles and Rights at Work and respect for such international labour standards as the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). He said that the problems of migrant workers were often related to the fact that they belonged to minorities. He shared information received by ILO on the problems of minorities, including the continuous difficulties faced by the Roma with respect to access to employment, occupation and basic vocational training. With respect to the Organization's activities regarding freedom of association, particularly on the issue of encouraging minority representation in trade unions, he noted that in a number of countries membership in Unions was restricted to nationals. Finally, he spoke about the active participation of the ILO in preparations for the World Conference against Racism through raising awareness worldwide of the problems faced by minorities in the fields of employment and occupation.

131. The observer for the Office of the United Nations High Commissioner for Refugees (UNHCR) highlighted some of the linkages between minority and refugee issues. She explained that the Office's protection role required it to gather information on human rights abuses which might lead to refugee flows and indicated that ethnic, religious or national minorities were among the most vulnerable groups displaced by force or persecution. Its mandate also covered the protection of stateless people, and members of ethnic, religious or linguistic minorities were disproportionably affected by the problem of statelessness. By way of example, after the dissolution of Czechoslovakia the Roma faced enormous difficulties in meeting the criteria for acquiring Czeck or Slovak nationality, which led to many of them becoming stateless. She also cited education programmes for refugees, in particular the "Peace education and capacity building" project launched by UNHCR in schools in the refugee camps in Kenya, Uganda,

Liberia, Sierra Leone and Guinea, with the aim of reducing ethnic and racial tension and thereby preventing future human rights abuses and refugees flows. Similar projects were to be implemented in Ethiopia and the Democratic Republic of the Congo.

132. The observer for UNESCO spoke about the organization's work in promoting peace and cultural diversity through cooperation in the areas of education, science and culture. One of its main missions was to safeguard the tangible and intangible cultural heritage of the world. The new programme "Masterpieces of Oral and Intangible Cultural Heritage of Humanity" to safeguard traditional and popular cultural expressions and forms such as languages, rituals, performing arts and oral history was of special interest for minorities. She described UNESCO action to promote linguistic diversity, including its publication of books in endangered languages and the holding of seminars on linguistic policy. Finally, she provided information on the project "The Route of Slavery" which covered the history of the slave trade and was designed for schools.

133. An exchange of views between the previous speakers and various participants ensued. Regarding recommendations for action, the observer for CIMARRON spoke about the need for minority claims to be taken into account in the work of United Nations organizations. In his view, the Working Group had an important role to play in that regard and should consider the possibility of drafting guidelines to ensure that the concerns of minorities were incorporated into United Nations cooperation and development programmes at the national and regional levels. The observer for the Russian Federation suggested that United Nations bodies should consider undertaking joint studies or projects on specific minority situations.

134. A number of NGOs recommended that action be taken by OHCHR or another international organization, including the Bhutan Women and Children Organization (UNHCR, OHCHR and international NGOs to monitor the verification process of Bhutanese refugees in Nepal); Karen National Union (the United Nations to provide technical assistance to minorities, particularly the Karen, in Myanmar in the fields of education, language and culture); Papua Council and MAP (the United Nations to strengthen and support the process of democratization in Indonesia).

135. Mr. Kartashkin expressed regret that fewer representatives from Member States were in attendance at the present session of the Working Group. It was therefore necessary to forward the written information and the statements made by NGOs to States, with a view to promoting dialogue among Governments and NGOs, and inviting their replies and attendance at the eighth session of the Working Group. He also appealed to States to consider inviting the Working Group to undertake visits to their countries and for necessary funding to be secured to such country visits. Similar sentiments on the importance of country visits were expressed by the observer for Switzerland.

136. Many NGOs also requested that the Working Group follow up on recommendations made at the session, including the recommendations for country visits which was supported, inter alia, by the Bhutan Women and Children Organization (to refugee camps in Nepal), Inter-Ethnic Initiative for Human Rights Foundation (Bulgaria), Papua Council and MAP (Indonesia).

137. Mr. Kartashkin expressed the view that the Working Group's debate on autonomy and integration had revealed that such arrangements were fundamental to national discussions on minority issues. He therefore suggested that the Working Group consider elaborating principles to be used in resolving questions of autonomy as they related to minority issues for presentation to Member States. He also recommended that a study be carried out on the legitimate and appropriate forms and means for minorities to defend their rights in the light of international standards on human rights. On the question of monitoring and assessing the situation of minorities in a particular State, he invited NGOs to submit their views on the matter to the next session of the Working Group.

138. The observer for the Minority Rights Movement of San Andrés, Providence and Catalina Islands also requested that the Working Group continue discussing the issue of autonomy, find new mechanisms and strategies to create a collective national, regional and international conscience to combat racism, racial discrimination, intolerance and xenophobia, and identify channels for dialogue with Governments so that they might better implement relevant laws.

139. The observer for the International Centre for Ethnic Studies described some recent activities undertaken by the Centre at the regional level. They included the holding of a training workshop for non-governmental organizations from South Asia on minority rights and monitoring the implementation of such rights, as well as the organization of a brainstorming session to discuss the question of the provision and development of advisory services to minorities in South Asia. These activities were aimed at enhancing the capacity of minorities to claim their rights and to bring violations of minority rights to the attention of the international community, in addition to strengthening the monitoring functions of human rights mechanisms. She highlighted the need to develop networks among NGOs working on minority issues in order to elaborate strategies for national and regional advisory services to protect the rights of minorities as a contribution to the prevention of ethnic conflicts. She stressed that initiatives on advisory services had to take due account of local needs and circumstances and should be developed in accordance with the provisions of the Declaration.

140. Mr. Rezag-Bara, offered various recommendations for the Working Group's consideration. They included: (a) strengthening cooperation and the exchange of experiences between the United Nations Working Groups on Minorities and Indigenous Populations and the African Commission; (b) organizing a third seminar on multiculturalism in central or southern Africa as a follow-up to the Arusha and Kidal seminars; (c) supporting the process of democratization in Africa

V. THE FUTURE ROLE OF THE WORKING GROUP

141. The Working Group discussed various matters under this heading, including: (i) the structure of the agenda and themes for discussion at future sessions; (ii) a special representative or rapporteur on minorities; (iii) future Web pages and a database on minorities; and (iv) the contribution of the Working Group to the World Conference against Racism, to be held in Durban, South Africa, from 31 August to 7 September 2001.

142. The Chairperson-Rapporteur read out the list of recommendations drafted earlier by the Working Group at its private session. He indicated that many of the recommendations had taken into account suggestions made orally during the previous meetings, especially from members of the Working Group, as well as written suggestions he had received including from Tom Hadden, Geoff Gilbert and the observer for the Islamic Republic of Iran. The recommendations were in two parts. The first part dealt with suggestions for action to be addressed to the Sub-Commission and from there to Governments, non-governmental organizations, treaty bodies, the Commission on Human Rights, and the United Nations system, including the Office of the High Commissioner for Human Rights. The second part dealt with matters pertaining to the work of the Working Group. As such, it was reiterated that the recommendations and agenda remained strictly within the mandate of the Working Group. He called for responses to the recommendations, including as regards the future work of the Working Group.

143. Mr. Kartashkin pointed to an omission in the recommendations relating to the agreement of the Working Group members that OHCHR, when asking for comments on the best way to protect the rights of minorities, should include the question of the possibility of drafting a convention on the rights of minorities. The Chairperson-Rapporteur agreed that this had been overlooked and would be included in the revision of the recommendations. The observer for Switzerland spoke about the concerns raised in the Commission on Human Rights with respect to the question of the drafting of a convention. Mr. Kartashkin also raised the importance of country visits by the Working Group, upon the invitation of Governments, as did the observer for Switzerland. Various minority and non-governmental representatives supported the possibility of country visits, with specific country visits being requested, and also indicated their willingness to support field visits by academics.

144. Concerning the structure of the agenda, several government observers (among them those of Egypt, India, Iraq and Pakistan) stressed that the Working Group should not exceed its role, that its work should not overlap with that of other mechanisms, and that the Working Group should closely follow and take account of the decisions emanating from the review of mechanisms undertaken by the Commission in 2000. They also were of the view that the Working Group had no mandate to define or recognize groups who identified themselves as minorities. They expressed preference for an approach to the handling of minority issues that would be acceptable to all interested parties. The observer for Egypt also informed the Working Group that his Government did not recognize the Working Group's competence to deal with the issue of Christian Copts, and insisted that such issues were better dealt with by other mechanisms, especially the Special Rapporteur on religious intolerance. The Chairperson-Rapporteur explained that the Working Group listened to groups claiming they were minorities, although the recognition of such groups as minorities was not always accepted by the Governments concerned.

145. In addressing recommendations to Governments, it was suggested (by the Islamic Republic of Iran) and agreed by the Working Group that a request for States to become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families also be added to the list of important human rights treaties to be universally ratified. Furthermore, many participants suggested that specific mention should be made of the Committee on the Elimination of Racial Discrimination when requesting the treaty

bodies to take account of issues concerning minorities in their work. Concerning the request for the merging of two different recommendations relating to requests for information from (raised by Egypt, India, Pakistan and Iraq), the Chairperson-Rapporteur said that such a merging would not be useful while the six enumerated human rights treaties had not achieved universal ratification. He further explained that the sending of information by States was purely voluntary and where Governments had already provided such information in their State party reports, a simple indication of this would be sufficient. It was also recalled that several participants, including Mr. Sorabjee and the observer for Switzerland, had requested that national jurisprudence be collected, i.e. cases dealt with by the highest court in each country pertaining to the protection of the rights of minorities. It would be useful if Governments, among others, were to provide such information to the Working Group in the future.

146. With respect to jurisprudence from regional mechanisms, the observer for Turkey pointed out once again with regret that information available to the Working Group had related only to the European Court and Commission. The Chairperson-Rapporteur said that the Working Group would very much appreciate receiving details at future sessions of jurisprudence from the other regional mechanisms, especially the Inter-American system. However, the reality was that papers were prepared on a voluntary basis and were dependent upon the expertise and goodwill of participants. The observer for Switzerland suggested that the Working Group consider addressing a specific request for information on jurisprudence to other regional intergovernmental organizations. Moreover, many minority and non-governmental representatives requested that minority representatives be invited to collaborate with academic experts on future working and conference room papers. On the question of addressing recommendations to regional mechanisms, the observer for Hungary requested that subregional organizations also be invited to contribute to the deliberations of the Working Group, including on autonomy and integration matters. Equally, the observer for the Greek Helsinki Monitor Group suggested that the Stability Pact for the Balkans also be invited to cooperate.

147. Several observers (China, Egypt, Pakistan, India) emphasized the importance of the Working Group's role as a forum for finding solutions to issues affecting minorities and not simply as a complaint mechanism, as other mandates existed for that purpose. The observer for Iraq referred to the role of the Working Group as promoting research, dialogue and fact-finding. In this regard, he suggested that it would be important for the Working Group not only to look into the situation of the Roma but also to undertake a comparative study on the issues facing minorities throughout the Middle East. In response, the Chairperson-Rapporteur noted that the situation of various minorities from different regions and subregions had been raised at the present session. As the focus of discussions was often dependent on the participation at the Working Group, he agreed that more minority representatives from other subregions would be welcome.

148. Many representatives of minority and non-governmental organizations requested that academic experts be commissioned to conduct regional and country specific studies, as well as thematic studies. Suggested topics for study included South-Eastern Europe, religious minorities in Asia and the Pacific, and the situation of Afro-descendants in Brazil.

149. A number of suggestions for changing the methods of work of the Working Group were proposed by the observer for the Danish Centre for Human Rights and the Minority Rights Group International, who read out a joint statement on behalf of 20 NGOs. The latter suggested the establishment of a trust fund, which did not find support from the observer for Japan. More particularly, it was suggested that there be a shift of focus in the Working Group from problem-raising to problem-solving. Other NGOs expressed the desire to know more about the follow-up taken with respect to the recommendations for action on specific minority issues made by particular organizations. It was suggested, therefore, in future the discussion could be structured so as to encompass points brought up by minority representatives and comments by the observer Governments. To facilitate the discussions, a speaker's list on all items of the agenda should be instituted. It was further suggested that one of the main functions of the Working Group was as a learning forum for inter-group coexistence and to promote constructive interaction with other United Nations agencies and bodies, in particular the treaty bodies whose members should be invited to attend future sessions of the Working Group. It was also suggested that the Working Group should hold regional meetings between its sessions in Geneva. Additionally, calls were made to hold regional seminars of the Working Group in the Asian-Pacific and Latin American regions, in light of the positive experience of the African regional seminars. Several specific suggestions were made as to the preferred venues for the holding of regional meetings and for ensuring that they were organized in cooperation with minority representatives and communities.

150. Various non-governmental organizations, minority representatives and scholars had requested that the Working Group consider recommending the establishment of the mandate of a special rapporteur on minorities. The Working Group's decision to recommend that the Commission consider appointing a Special Representative on vulnerable minorities drew a variety of responses, especially from Government observers (China, Egypt, India, Iraq, Japan, Pakistan): first, the ability of OHCHR to service such a mandate was questioned; second, why the term "special representative", rather than "special rapporteur", had been chosen; third, clarification was requested as to the meaning of the term "vulnerable minorities" and the rationale for such a qualification. In response, the Chairperson-Rapporteur explained that the request had been addressed to the Commission through the Sub-Commission. However, he agreed that the issue of the appropriateness or usefulness of the term "vulnerable" would need to be clarified. However, this year's thematic debate had once again revealed that not all minorities were disadvantaged; in fact, some were in a more favourable social and economic position than other groups. The use of the term "vulnerable" had been an attempt to respond to this reality. Many minority and non-governmental representatives spoke of the importance of the appointment of a special rapporteur on minorities, with a view to further investigating minority rights situations. Such a mechanism was viewed as complementary to the work of the Working Group, and it was thought that the nomination of a minority representative to such a post would be ideal.

151. The observer for Switzerland spoke about the usefulness of receiving NGO statements in advance of the next session of the Working Group and was pleased to see a recommendation to that effect. The observer for the Russian Federation requested clarification about which minority representatives and non-governmental organizations were to be requested to send information to the secretariat by February 2002, in view of the fact that this information was to be forwarded to Governments for possible response and consideration at the eighth session of the Working Group

in May 2002. The Chairperson-Rapporteur explained that those present at the seventh session, as well as other organizations contacted by Minority Rights Groups, for example, to participate at the eighth session could send information.

152. It was decided that the two themes for the next session would be (a) matters of integration and autonomy, as well as legitimate ways and means for minorities to protect their rights; and (b) development assistance and cooperation for the better protection of the rights of minorities. Papers called for under these themes would be prepared by, inter alia, Tom Hadden and Minority Rights Group International. National practice would be an important focus of the studies called for under the first theme and the papers would distinguish between activities supported at the national, regional and international level, respectively.

153. The Chairperson-Rapporteur explained that the next session of the Working Group would consider drawing up guidelines or principles on the issue of effective participation of minorities in public life through integrative and autonomist measures, as well as the legitimate means open to minorities to protect their rights. Any document containing such guidelines, principles or recommendations could form part of an addenda to the Commentary. Similarly, it was the intention of the Working Group to develop such guidelines and principles on the issue of development assistance and minorities in 2003 as an addition to the Commentary.

154. The proposed publication of specific Web pages on minorities and the possibility of developing a database on minorities evoked many responses from observers of Governments, minority and non-governmental representatives as well as academics. Governmental observers cautioned against the publication of information other than intergovernmental papers on the United Nations Web site. Similarly, the view was expressed that the only links should be to other intergovernmental organizations Web sites, in accordance with United Nations practice. With respect to conference room papers, which were published with a disclaimer, and whose contents had not necessarily been requested or their contents supported by the Working Group, government observers suggested that the Working Group should be very cautious in giving its approval to these documents. The Chairperson-Rapporteur said that the comments were being carefully considered by the Working Group and that it had taken the decision to remove from the Web site those conference room papers produced for this year's session, which had not been approved by the Working Group. This did not prevent NGOs from publishing these documents on their own sites, an initiative which had already been taken by Greek Helsinki Monitor. A full discussion on this matter would be held at the next session of the Working Group, including with respect to cooperation and division of labour with other organizations such as the Consortium of Minority Resources (COMIR).

155. In concluding, the Chairperson-Rapporteur pledged that the Working Group would take account of the comments raised and agreed that there was scope and flexibility for making minor modifications to the recommendations, especially as certain of them required the approval of the Sub-Commission and the Commission.

156. Finally, the Chairperson-Rapporteur introduced his paper on possible elements for a statement to the World Conference on clarifying the relationship between prevention of discrimination and the protection of minorities, including through a reference to the practice of the Sub-Commission on these two concerns.

157. The observer of Norway informed the Working Group that her Government was actively engaged in preparing for the World Conference against Racism. The Government was cooperating with civil society and NGOs as key partners and viewed the questions relating to minorities, migrants, refugees, indigenous peoples and the Roma as key issues. She expressed the hope that the World Conference would give direction and impetus to the struggle to put an end to all forms of racism and intolerance. In her view, the Working Group on Minorities offered vital input to the preparations and to the Conference itself, including the discussions at the seventh session on issues relating to minorities, the Roma and indigenous peoples, groups which were already mentioned in the draft declaration and plan of action of the Conference.

VI. CONCLUSIONS AND RECOMMENDATIONS

158. On the basis of the discussions held during the seventh session, the Working Group agreed on its conclusions and recommendations for future action. They are set out below.

A. Recommendations to be forwarded through the Sub-Commission

TO GOVERNMENTS

1. To ratify, if they have not already done so, the seven major treaties and the provisions relating to individual petitions, in particular to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and to make the declaration under article 14 of the Convention.

2. To disseminate as fully as possible, within their country, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities including, where appropriate, in the minority languages.

3. To consider providing the Working Group with information about constitutional, legislative, judicial, administrative and financial developments of relevance to the implementation of the Declaration. Where States are party to the relevant treaties, indications of information contained in reports submitted to the treaty bodies would be welcomed. The Working Group would particularly appreciate information about recent cases relating to minority rights of the highest courts of the country.

4. To consider providing the Working Group with names of experts in minorities in their country, with a view to facilitating their participation in regional and international meetings and in advisory services.

TO REGIONAL AND SUBREGIONAL ORGANIZATIONS

5. Noting with appreciation the work done by the Office of the High Commissioner for National Minorities of the Organization for Security and Cooperation in Europe, the Working Group recommends that the other regional organizations explore the possibility of establishing similar institutions.

6. Noting with appreciation the entry into force of the European Framework Convention on the Protection of National Minorities and the initial work of the Committee, the Working Group recommends that other regional organizations explore the possibility of similar standard-setting and institutional development, taking into account the specificities of the region concerned.

7. The Working Group recommends that the Organization for Security and Cooperation in Europe and the Council of Europe intensify their work to ensure that persons belonging to the Roma are not subjects of discrimination and can enjoy their minority rights in all fields, including education and language.

8. The Working Group recommends continued and improved cooperation between the Working Group on Minorities and the African Commission on Human and Peoples' Rights, including the undertaking of a joint study on the relationship between minorities and indigenous populations as it pertains to the African region.

TO THE TREATY BODIES

9. That they take particular care, in their examination of State party reports, to explore whether sufficient measures have been taken by the States concerned to protect members of national or ethnic, religious and linguistic groups from discrimination and violations of their human rights. The Working Group invites the treaty bodies, within their respective mandates, and particularly the Committee on the Elimination of Racial Discrimination, to give attention to the Declaration and the Chairperson's Commentary in their work.

10. That attention be given, in particular, to the situation of the Roma and the Sinti in the countries where they exist, taking into account that they appear to face special difficulties in many countries.

11. That the Committee on Economic, Social and Cultural Rights in its interpretation and dialogue concerning article 15 of the International Covenant on Economic, Social and Cultural Rights give full attention to the cultural rights of minorities.

12. That the Committee on the Rights of the Child in its interpretation and application of article 29 give full attention to the educational rights of children of minorities.

13. That the Human Rights Committee in its interpretation and dialogue on article 27 of the International Covenant on Civil and Political Rights take fully into account the Declaration and the work of the Working Group on Minorities.

TO THE UNITED NATIONS, INCLUDING THE OFFICE OF THE HIGH COMMISSIONER

14. To provide advisory services on minority issues, where requested by countries, drawing upon international, regional and national expertise, to facilitate conflict prevention and conflict resolution.

15. To request the High Commissioner, when inviting Governments and relevant intergovernmental and non-governmental organizations to submit their views on how best to protect the rights of persons belonging to minorities, to also request their views on the possible drafting of a convention on the rights of minorities.

TO THE COMMISSION ON HUMAN RIGHTS

16. To consider the possibility of recommending the appointment of a Special Representative on minorities.

17. To recommend the establishment of a voluntary trust fund to facilitate the participation in the Working group of minority representatives, and experts from developing countries, and other activities relating to the protection of minorities.

TO NON-GOVERNMENTAL ORGANIZATIONS

18. To organize training workshops to increase the awareness by minorities of the Declaration and enhance their capacity to utilize United Nations and regional mechanisms.

B. Further work of the Working Group

1. The main structure of the agenda should be retained, but further work should be done to better focus the discussions during each session.

2. The Working Group decides to continue its practice, initially established at its fourth session, of submitting information presented at its sessions by minority representatives and non-governmental organizations to Governments concerned that were not represented by observers at the session and therefore were not in a position to respond to the information presented, thus providing an opportunity for concerned Governments to provide information additional to that submitted by NGOs. Representatives of the Working Group are also prepared to visit countries upon request from the Government concerned.

3. In regard to the discussion under item 3 (a), minority representatives are encouraged to send to the secretariat their intended submissions by the end of February 2002, with a view to such submissions being forwarded to Governments in advance of the next session of the Working Group thus making it possible for Governments, if they so wish, to prepare their comments or responses in time for the next session of the Working Group.

4. Under item 3 (b), the focus during the eighth session should be on two themes:

(a) Further reflection on autonomist and integrative approaches to minority protection in multicultural societies, with a view to adopting a set of recommendations at the end of the eighth session, in 2002:

- By identifying guidelines for establishing or strengthening mechanisms and procedures for minority protection by involving all relevant groups in society, and requesting Tom Hadden to prepare an updated working paper addressing these issues, taking into account also the outcome of the seminar to be held by the Danish Centre for Human Rights;

- By identifying effective and legitimate means which can be used by minorities and Governments in their effort to promote their respective rights and to maintain or restore human rights-based law and order, and requesting Mr. Asbjørn Eide to prepare a working paper on that subject;

(b) Focusing on national development policies, international development cooperation and the rights of minorities (article 5 of the Declaration) with a view to preparing future recommendations at the ninth session, in 2003, and requesting Minority Rights Group International to prepare a working paper on the second main theme.

5. In furthering the work of the Web site and the databases, the Working Group will take into account the recommendations made by the consultants to OHCHR and the Corsortium of Minority Rights (COMIR) on future strategies for the OHCHR Web site on minority rights. Until a fuller discussion has been held at the eighth session on the Web site, the following policy should apply to the OHCHR Web site:

(a) It should include the working papers prepared by the members of the Working Group or authorized by the working group;

(b) Conference room papers shall be posted on the Web site only for two weeks prior to the session and during the session itself, to facilitate availability for participants at the Working Group session, but shall thereafter be taken off the Web site.

6. The policies regarding the Web site should be examined in greater depth at the eighth session.

7. The Working Group encourages the holding of seminars, in cooperation with interested institutions, in the period between the seventh and eighth sessions.

8. The Working Group welcomes the planned international seminar in Durban on facilitating cooperation between international treaty bodies and regional mechanisms for the better protection of minority rights.

9. The Working Group takes note with satisfaction of the offer to hold a seminar, at the invitation of the University of Concordia in Montreal, on the situation and rights of Afro-Americans, and recommends that a follow-up seminar on that theme be held, in the Americas, by OHCHR before the eighth session.

10. The Working Group takes note with satisfaction of the offer by the Danish Centre for Human Rights to organize a seminar on autonomist and integrationist approaches to minority protection, and of the offer by the Human Rights Centre at Queen's University of Belfast to further contribute to these issues. It recommends that a concerted effort be made by those two institutions to facilitate the drafting of recommendations on these issues to help the discussion at the eighth session.

11. The Working Group takes note of the offer of the International Centre for Ethnic Studies to explore the possibility of holding a seminar in the Asian region on issues of relevance to peaceful group accommodation and minority rights.

12. In regard to agenda item 4, the Working Group will at its eighth session evaluate the manual and the fact sheets published so far with a view to proposing addenda to the Commentary and additional fact sheets.

Annex

LIST OF DOCUMENTS BEFORE THE WORKING GROUP ON MINORITIES AT ITS SEVENTH SESSION

Symbol	Title
E/CN.4/Sub.2/AC.5/2001/1	Provisional agenda
E/CN.4/Sub.2/AC.5/2001/1/Add.1	Annotations to the provisional agenda
E/CN.4/Sub.2/AC.5/2001/2	Final text of the Commentary to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, prepared by Mr. Asbjørn Eide, Chairperson-Rapporteur
E/CN.4/Sub.2/AC.5/2001/3	Report of the second workshop on multiculturalism in Africa: peaceful and constructive group accommodation in situations involving minorities and indigenous peoples (Kidal, Mali, 8-13 January 2001)
E/CN.4/Sub.2/AC.5/2001/WP.1	[Symbol not used.]
E/CN.4/Sub.2/AC.5/2001/WP.2	Peoples' rights in Africa: towards the recognition and protection of ethnic, religious and linguistic specificities?: paper prepared by Ms. Samia Slimane
E/CN.4/Sub.2/AC.5/2001/WP.3	Study on the use of autonomy approaches in the Russian Federation: paper prepared by Mr. Vladimir Kartashkin and Prof. A.X. Abarhidze
E/CN.4/Sub.2/AC.5/2001/WP.4	Cultural autonomy and territorial democracy: a recipe for harmonious group accommodation?: paper prepared by Mr. Asbjørn Eide
E/CN.4/Sub.2/AC.5/2001/WP.5	Examples of autonomy in Finland: the territorial autonomy of the Aland Islands and the cultural autonomy of the indigenous Saami people: paper prepared by Mr. Lauri Hannikainen, Director of the Northern Institute for Environmental and Minority Law, Arctic Centre, University of Lapland, Finland
E/CN.4/Sub.2/AC.5/2001/WP.6	Integrative approaches to the accommodation of minorities: Paper prepared by Tom Hadden, Professor, The Queen's University of Belfast and Ciarán O Maoláin of The Queen's University of Belfast

Title	Symbol
	"Lund Recommendations on the Effective Participation of National Minorities in Public Life" submitted by John Packer, Director, Office of the High Commissioner for National Minorities, Organization for Security and Co-operation in Europe
E/CN.4/Sub.2/AC.5/2001/WP.8	The relationship between racism and the protection of the rights of persons belonging to minorities: notes for a possible statement for the World Conference against Racism, prepared by Mr. Asbjørn Eide
E/CN.4/Sub.2/AC.5/2001/CRP.1	Autonomy in the 21st century: through theoretical binoculars: paper prepared by Tim Potier, Assistant Professor in Law, Law Programme Coordinator, Intercollege, Nicosia
E/CN.4/Sub.2/AC.5/2001/CRP.2	Autonomy, self-determination and the requirements of minimal justice in South Asia: paper prepared by Ranabir Samaddar, Director, Peace Studies Programme, South Asia Forum for Human Rights
E/CN.4/Sub.2/AC.5/2001/CRP.3	The peace process in Northern Ireland: paper prepared by Tom Hadden, Professor, Centre for International and Comparative Human Rights Law, The Queen's University of Belfast
E/CN.4/Sub.2/AC.5/2001/CRP.4	Jurisprudence of the European Court and Commission of Human Rights in 2000 and Minority Groups: prepared by Geoff Gilbert, Professor, Department of Law and Human Rights Centre, University of Essex
E/CN.4/Sub.2/AC.5/2001/CRP.5	Autonomy and minority groups - a legal right in international law?: paper prepared by Geoff Gilbert, Professor of Law, Human Rights Centre, University of Essex
E/CN.4/Sub.2/AC.5/2001/CRP.6	The participation of minorities in decision-making: expert study authored by J.A. Frowein and Roland Bank, of the Max Planck Institute, and submitted by Antti Korkeakivi, Administrator, Secretariat of the Framework Convention on National Minorities, Directorate General of Human Rights, Council of Europe

Title	Symbol
E/CN.4/Sub.2/AC.5/2001/CRP.7	Sri Lanka National Review: study submitted by the International Centre for Ethnic Studies, Colombo
E/CN.4/Sub.2/AC.5/2001/CRP.8	Reply of the Government of Sri Lanka to the paper (E/CN.4/Sub.2/AC.5/2001/CRP.7) submitted by the International Centre for Ethnic Studies
E/CN.4/Sub.2/AC.5/2001/CRP.9	Appendix to the working paper (E/CN.4/Sub.2/AC.5/2001/WP.6) on integrative approaches to the accommodation of minorities - prepared by Tom Hadden: Professor, The Queen's University of Belfast and Ciarán O Maoláin
E/CN.4/Sub.2/AC.5/2001/CRP.10	Minority Self-Government in Hungary: a framework for cultural autonomy: paper submitted by Mr. Csaba Györffy, Deputy Head of the Department of Human Rights and Minority Law, Ministry of Foreign Affairs, Budapest
E/CN.4/Sub.2/2000/27 and Corr.1	Report of the Working Group on Minorities on its sixth session
E/CN.4/Sub.2/AC.5/1999/WP.4	Towards effective participation of Minorities: proposals of an expert seminar organized by the European Centre for Minority Issues, Flensberg, Germany
E/CN.4/Sub.2/AC.5/1999/WP.6	Universal and regional mechanisms for minority protection, prepared by Mr. Vladimir Kartashkin
E/CN.4/Sub.2/AC.5/1999/WP.8	Database on minorities - feasibility study prepared by the Minority Rights Group, the Centre for Documentation and Information in Europe and the European Centre for Minority Issues
E/CN.4/Sub.2/1999/21	Report of the Working Group on Minorities on its fifth session
E/CN.4/Sub.2/1998/18	Report of the Working Group on Minorities on its fourth session

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